

### **REMARKS**

Claims 1-16 are pending. By this Response, claims 1, 8 and 15 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

#### **Claim Objections**

The Office Action objects to claims 1, 8, and 15 due to informalities. These informalities have been addressed by the above noted amendments to claims 1, 8 and 15. Accordingly, withdrawal of the objection is respectfully requested.

#### **Prior Art Rejections**

The Office Action rejects claims 1-5, 7-12 and 14-16 under 35 U.S.C. §103(a) as being unpatentable over Kawamura et al. (U.S. 6,409,513) in view of Matsuunaga et al. (U.S. 6,044,420) and claims 6 and 13 under 35 U.S.C. §103(a) as being unpatentable over Kawamura et al., Matsuunaga et al. in view of Tadloc et al. (U.S. 6,869,287). These rejections are respectfully traversed.

Independent claims 1, 8 and 15 each refer to the measuring of a predetermined ability of the user to deal with characters by measuring user's speed of recording specific predetermined sentences and the retrieving of data based on the measured ability of the user. Thus, as defined in the claims, a user's ability is measured and data is retrieved for that user based on this measurement made for that specific user.

The Examiner asserts that Kawamura teaches the above features of claim 1, 8 and 15 at Col 6, lines 43-48 and Col 9, lines 54-67. The teachings at Col. 6 refer to a pre and post test used to gage the users abilities previous to

taking the testing sessions and after taking the testing sessions. The pre and post tests are essentially the same and measure the speed of the user reading a paragraph. This is then converted to a words per minute calculation. The pre and post tests are benchmark measurements for the user to determine their progress. The pre test provides the words per minute previous to taking the testing sessions which can then be measured against the post test words per minute. This gives an indication of how well the testing sessions are working. The pre and post tests, however, have no relation to the actual data used in the training sessions themselves. The pre and post tests are purely indicators only.

In contrast, the embodiment of the present invention as defined by claims 1, 8 and 15, specific predetermined sentences (sentences designed in advance for measuring abilities) are given to a user to record the speed of the user reading these sentences. Because the sentences are specifically designed, the speed measured in reading these sentences can aide in determining the actual ability of the user and thus determine what data should be used in training the individual. The ability is not related to words/minute of any paragraph, but the direct speed of recording specifically designed sentences. This measurement is then used to determine what data will be retrieved, specifically the data associated with the users measured ability.

The measured ability in the claimed invention is directly related to the data used in the training. This is not the case in Kawamura, since the pre and post tests are benchmark measurements and do not determine what data is retrieved in the training sessions. At Col. 9 of Kawamura it states that the user can slow or speed up the sessions, but this is user defined and not directly related to the pre or post tests of Kawamura. Further, the speeding up or slowing down of training sessions is a matter of pace and does not relate to

what data is being retrieved. In Kawamura, the training sessions are the same no matter what, it is just a matter of how fast or slow you can get through them, in other words at what pace, as stated in Col. 9.

Kawamura's system does not perform the measuring of a user's ability to deal with characters and then retrieve data based on this ability. Kawamura allows a user to select the pace and thus the ability is left to the user to decide and not by a measurement. Therefore, data is retrieved based on the user's selection and not by a measurement of ability. Further, as recognized in the Office Action, Kawamura fails to teach using characters as claimed.

Matsuunaga is provided to teach the use of characters absent in Kawamura. Matsuunaga teaches a system for enhancing the interaction between the user and data viewing. Matsuunaga attempts to optimize the ability of a user to recognize data quickly by using different formats and arrangements for particular types of data. Thus, upon viewing a multitude of data, i.e. various data, motion data, different arrangement of how that data is presented to the user, including display time and placement is optimized for each type of data. As discussed at column 19, an increased time for display of foreign characters is usually provided since it is assumed that reading foreign characters is slower than reading characters of their native language.

Matsuunaga fails to teach measuring the ability of a user to deal with characters. In Matsuunaga, the ability of the user is assumed and thus characters are displayed based on this assumption regardless of actual ability. (see column 19, lines 27-33).

Thus, neither Kawamura nor Matsuunaga teach or suggest measuring a predetermined ability of a user to deal with characters by measuring user's

speed of recording specific predetermined sentences and the retrieval of data based on the measured ability of the user. Therefore, the combination of Kawamura and Matsuunaga fails to teach each of the feature of independent claims 1, 8, and 15 as required.

With respect to the dependent claims, these claims are considered patentable at least for the same reason as their base claims.

For the reasons set forth above, reconsideration and withdrawal of the rejections are respectfully requested.

#### Conclusion

In view of the above, it is respectfully submitted that claims 1-16 are distinguishable over the cited art. Early consideration and prompt allowance are earnestly solicited.

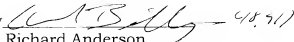
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: July 24, 2007

Respectfully submitted,

By  7/24/07  
✓ D. Richard Anderson  
Registration No.: 40,439  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant